

By: Alonzo

H.B. No. 1346

A BILL TO BE ENTITLED

AN ACT

relating to the representation of certain indigent applicants for a writ of habeas corpus.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 11, Code of Criminal Procedure, is amended by adding Article 11.074 to read as follows:

Art. 11.074. COURT-APPOINTED REPRESENTATION REQUIRED IN CERTAIN CASES. (a) This article applies only to a felony or misdemeanor case in which the applicant seeks relief on a writ of habeas corpus from a judgment of conviction that:

(1) imposes a penalty other than death; or

(2) orders community supervision.

(b) If at any time the state represents to the convicting court that an eligible indigent defendant under Article 1.051 who was sentenced or had a sentence suspended is not guilty, is guilty of only a lesser offense, or was convicted or sentenced under a law that has been found unconstitutional by the court of criminal appeals or the United States Supreme Court, the court:

(1) shall appoint an attorney to represent the indigent defendant for purposes of filing an application for a writ of habeas corpus, if an application has not been filed, or to otherwise represent the indigent defendant in a proceeding based on the application for the writ; and

(2) may grant the request for habeas corpus relief, if

1 the state and the attorney representing the eligible indigent  
2 defendant agree on the requested relief.

3 (c) An attorney appointed under this article shall be  
4 compensated as provided by Article 26.05.

5 SECTION 2. The changes in law made by this Act relating to  
6 the application of writ of habeas corpus apply regardless of  
7 whether the offense for which the applicant is in custody was  
8 committed before, on, or after the effective date of this Act.

9 SECTION 3. This Act takes effect immediately if it receives  
10 a vote of two-thirds of all the members elected to each house, as  
11 provided by Section 39, Article III, Texas Constitution. If this  
12 Act does not receive the vote necessary for immediate effect, this  
13 Act takes effect September 1, 2015.